

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 4:18-cr-4
	)	
JAMES R. CASEY,	)	
	)	
Defendant.	)	

**DEFENDANT’S UNOPPOSED MOTION TO FILE MEDICAL REPORTS UNDER  
SEAL AND NON-CONFIDENTIAL MEMORANUM IN SUPPORT**

The defendant, James R. Casey, by counsel, pursuant to Local Criminal Rule 49(D), hereby moves this Honorable Court to allow the defense to file certain medical records under seal, namely medical records from the Bureau of Prisons.

The medical records contain detailed information about Mr. Casey’s personal health information. Because this kind of information is inherently sensitive, it is generally protected from public disclosure in other legal contexts. Its dissemination is restricted by federal statute. *See, e.g.,* The Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub.L. 104–191, 110 Stat. 1936 (1996). And it is protected by state statutes. *See, e.g.,* Va. Code Ann. § 32.1-127.1:03 (recognizing “individual’s right of privacy in the content of his health records”).

In light of its sensitive nature, courts in this district routinely order that documents containing sensitive medical information be filed under seal. *See, e.g., United States v. King*, Crim. No. 4:13cr116 (E.D. Va. Feb. 27, 2015) (Davis, J.) (granting defendant’s motion to seal because contents of filing “include the Defendant’s private health information”); *United States v. Ramsey*, 786 F. Supp. 2d 1123, 1126 n.7 (E.D. Va. 2011) (noting that report containing “sensitive medical and confidential matters” should remain under seal); *In re McIntyre*, 534 F. Supp. 2d 641, 644 (E.D. Va. 2007) (ordering clerk to file letter from doctor under seal); *James v. Servicesource, Inc.*,

Civ. No. 07-317, 2007 WL 4190794, at \*4 (E.D. Va. Nov. 21, 2007) (placing medical records under seal “[b]ecause of the sensitive nature of the records”).

Here, there is no way to avoid the need for sealing. The Court needs to understand Mr. Casey’s current medical condition to consider his motion for compassionate release previously filed herein. *See* ECF No. 29. But at the same time, Mr. Casey should not be forced to disseminate his private health information to the general public. Finally, counsel for the United States has advised defense counsel that he does not object to this motion. Accordingly, the defense respectfully requests that the Court grant his motion to file medical records from the Bureau of Prisons under seal.

Respectfully submitted,

JAMES R. CASEY

By: \_\_\_\_\_/s/\_\_\_\_\_  
Of counsel

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**CERTIFICATE OF SERVICE**

I certify that on this 22nd day of April, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to:

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\_\_\_\_\_/s/\_\_\_\_\_  
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